

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IVAN HERRERA MENDEZ and VALENTIN  
VIVAR**, *on behalf of themselves, FLSA  
collective plaintiffs and the class*,

**Plaintiffs,**

**-against-**

**976 MADISON RESTAURANT LLC d/b/a  
KAPPO MASA ET AL.,**

**Defendants.**

**20-CV-5273 (ALC)**

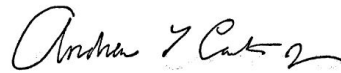
**ORDER**

**ANDREW L. CARTER, JR., United States District Judge:**

The Court is in receipt of Defendants' request for a pre-motion conference for their anticipated motion to dismiss. (ECF No. 114.) In response, Plaintiffs request leave to file an amended complaint in order to address the deficiencies raised in Defendants' letter. (ECF No. 116.) Accordingly, Defendants' request for a pre-motion conference is **DENIED** with leave to renew. Plaintiffs shall file their amended complaint no later than **December 6, 2022**. Defendants shall answer or otherwise respond to the amended complaint by **January 3, 2023**.

**SO ORDERED.**

**Dated: November 15, 2022  
New York, New York**



---

**ANDREW L. CARTER, JR.  
United States District Judge**